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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional) 0022.010001

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____

Signature _____

Typed or printed name _____

In re Application of G. Thomas Wolf

Application Number
09/834,208Filed
April 13, 2001

For Oxygen Mask

Art Unit
3731Examiner
M. MendozaApplicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: *previously paid (\$165 on July 19, 2004 \$85 on Nov. 25, 2005)*

\$ 250

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record. Registration number 50,007

Mary B. Tung
Signature

Mary B. Tung, Ph.D.
Typed or printed name

410-451-2707

Telephone number

☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

June 20, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application No. **09/834,208**

Confirmation No. 3950

Filing Date : April 13, 2001

Examiner: M. Mendoza

Applicant: G. Thomas Wolf

Art Unit: 3731

For: **Oxygen Mask**

Docket No. 0022.010001

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

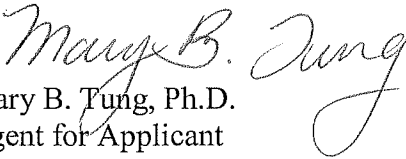
Sir:

The Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Non Final Office Action Mailed March 16, 2006. Claims 5-10, 12-15, 17 and 18 have been at least twice rejected as required under 37 C.F.R. 1.17(b). The claims that the Applicant wishes to appeal are claims 5-10, 12-15, 17 and 18.

The appeal of claims 5-10, 12 and 13 is a reinstatement of an appeal requested by Applicant in a Notices of Appeal filed July 19, 2004, and November 25, 2006. A pre-Appeal Request for Review was also filed on November 25, 2006. The Panel Decision from the Pre-Appeal Brief Review was mailed on December 27, 2005 and remanded the case back to the Examiner without further comment to the Applicant and wherein Finality was withdrawn. Prosecution was reopened by the Examiner in the Non-Final Office Action mailed March 16, 2006. Consequently, the Applicant is applying the previously-paid appeal fees of \$165.00, paid on July 19, 2004, and \$85 paid on November 25, 2006, toward the current appeal fee of \$250

(small entity), as provided in M.P.E.P. § 1204.01. Therefore, the Applicant believes that the fee required for this Notice of Appeal under 37 C.F.R. § 1.27 is satisfied and it is not believed that any other fees are required. However, if additional fees are required to prevent abandonment of the present application, the Commissioner is authorized to charge any such fees to the credit card listed on the attached Form PTO-2038.

Respectfully submitted,


Mary B. Tung, Ph.D.
Agent for Applicant
Registration No. 50,007

Date: June 20, 2007
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